

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RICKY A. HOTZ,)
Petitioner,)
v.) Case No.: 08-cv-00850-DRH-DGW
GUY PIERCE,)
Respondent.)

ORDER

Currently pending before the Court is Petitioner Ricky Hotz's Petition for Relief from Judgment (Doc. 35), which the Court construes as a Renewed Motion for Stay and Abeyance. The Court denied Petitioner's previous Motion to Stay (Doc. 28) on December 13, 2010, his subsequent Motion for Reconsideration of that denial on March 30, 2011 (Doc. 30), and his successive Motion for Stay and Abeyance (Doc. 33) on July 21, 2011. In denying each of these motions, the Court explained that a stay and abeyance is appropriate only where a petitioner has filed a "mixed" habeas petition including both exhausted and unexhausted claims, and because Petitioner's petition did not contain any unexhausted claims he was not entitled to a stay and abeyance (Docs. 28, 30). *See Rhines v. Weber*, 544 U.S. 269, 277 (2005).

Petitioner now seeks relief from the Court's July 21, 2011 Order denying his request for stay and abeyance "either under Rule 59(e), and or, 60(b)" (Doc. 35). Petitioner, however, reasserts the same factual arguments made in his previous motions. For the reasons stated in the Court Orders at Docs. 28, 30 and 33, Petitioner's Motion (Doc. 35) is **DENIED**.

IT IS SO ORDERED.

DATED: September 26, 2011


DONALD G. WILKERSON
United States Magistrate Judge